

PROSECUTION CLOSES CASE

All Evidence Against S. Mahaulu Is Now In.

(From Wednesday's Advertiser)
The prosecution closed its side of the Mahaulu case yesterday afternoon and the defense was given until ten o'clock this morning to make its presentation of the issues. Whether the presentation will consist in a motion to dismiss the charge against the accused man because of the failure of the Governor to answer a subpoena calling him as a witness will be disclosed only in court.

When the case was called yesterday morning an intelligent officer was given a subpoena to serve upon Professor Woods of Punahou College, who was wanted as a witness for the prosecution. The officer went out at once and brought in Professor Woods, the demonstrator of physical culture—and then it was too near luncheon time to go ahead. And so the case went over until afternoon.

Auditor Fisher was on the stand again yesterday, and testified that he had made a personal examination of all the land office books, and that there was no entry whatever of the payment of \$925 by Mrs. Clark of the Waihala colony, nor of the payment of \$4500 by Mr. Dowsett on behalf of the Waihala company.

A motion made by Attorney Thompson, for the defense, to strike out the testimony given by the auditor, fell to the ground because it appeared that the auditor had made two examinations of the land office books, the second one being by Mr. Fisher himself.

At the afternoon session yesterday, evidence was introduced by the prosecution to establish three more cases of embezzlement against Mahaulu, there being no records on the books of the payment of \$500 by T. F. Loring, and of \$480 by Mau Sing for rental, nor of \$280 paid on a right of purchase lease by Mrs. Abbie Clark, although this money had been received and receipted for.

The introduction of evidence tending to establish these charges closed the case for the prosecution.

POLICE COURT HAS NEW JUDGE

Albert F. Judd, the Second District Magistrate, resigned day before yesterday. The Governor immediately made out a commission for W. L. Whitney, who accepted the position and was on the bench soon after. Mr. Judd resigned because the press of business in the Police Court was keeping him from his work on the Code Commission. As it is important for this latter work to be finished, if possible, before the legislature meets, Mr. Judd had to resign.

Mr. Whitney, the new judge, made a good impression as to his absolute fairness and went through the work like an old stager. This is not the first time, however, that he has acted as judge. He was the judge of the Moot Court of Columbia Law School for the whole of his senior year. This is the highest honor a man can gain in the school.

Yesterday he raised the fine for selling liquor without a license. M. S. Freitas was the first to come under the new rule and had to pay \$125 instead of the usual \$100. A Jap was fined \$25 for having the fa tickets in his possession and three other Japs got \$5 each for gambling. W. Smith, charged with attempted arson, has his case go up to the Circuit Court. Mr. Smith lives at Mrs. Maage's house on Vineyard street. Mrs. Maage was in the front room when she discovered a fire in the back room occupied by Smith. She called for help and a Portuguese named Silva came to the rescue and he, with the aid of neighbors, put out the fire. The blaze was in a pile of papers and the odor of kerosene was noticed. Smith says that he was filling an oil lamp and the fire was accidental. Mrs. Maage, however, thinks it was started intentionally out of revenge.

Charles Mu was fined \$5 for disturbing the quiet of the night. Mr. Cunningham was in for being drunk. He was reprimanded and discharged because his lawyer showed that Cunningham had a large family and needed all his money to support his ten children.

The only arrest during the evening was Kowa, charged with larceny in the second degree.

UNDERWRITERS MUST DO DETECTIVE WORK

After this the Underwriters and the Chief of the Fire Department must make their own investigations when they suspect incendiarism.

Sheriff Henry and Detective Hatter are of the opinion that such matters are not the province of the police department, which only takes a hand in maintaining order during a fire and arrests such persons as the Fire Department or the Underwriters find suspicious. Mr. Hatter thinks that the Underwriters and insurance men should keep two or three private detectives to look out for fires and locate incendiaries.

TWO JURIES SEEK TRUTH

Carter Cannot Understand Action of Judge Dole.

"As a layman," said Governor Carter yesterday, "I confess that I cannot see what the Federal grand jury has to do with the investigation of our Territorial election. Of course you will understand that I court the fullest and freest investigation of any so-called irregularities. I want the truth and the whole truth to be made to appear. The Territorial grand jury has taken the matter up, however, and it strikes me that the matter is properly one for the Territorial and not for the United States courts. In fact, I cannot see where the Federal Court comes in at all."

Judge Dole, it is understood, justifies his course in calling a special session of the Federal grand jury by the statement that the election of a delegate to Congress may be involved in the investigation which it is proposed to undertake. In connection with the voting of the so-called "numbered ballots," which underlies the whole cause of the election inquiry by both grand juries, it is an interesting fact that 101 of the election inspectors at the last election were appointed by former Governor, now Federal Judge Dole, whereas only seventy-nine of the original inspectors were the appointees of Carter. In addition to the old election precincts, however, there were nine new ones created and of course the twenty-seven inspectors in these precincts were also Carter appointees. This, however, is merely a point that becomes of interest in view of the proposed action of the two grand juries.

The Territorial grand jury continued its investigation of the election yesterday, and will probably be busy along the same lines all the week.

TAX APPEAL COURT GIVES TWO DECISIONS

Two decisions were handed down by the Tax Appeal Court yesterday. In the first of these cases the Hawaiian Agricultural Company appealed, claiming a deduction of \$181,576 on account of damage done by the "leaf hopper" on 1649 acres of matured cane and 2800 acres of young cane, the amount of deduction claimed being in excess of cost of cultivation. The decision of the court is to the effect that, in regard to the 2800 acres of young cane, the claim was based on the value and returns from the same cane at maturity, that such value is subject to the vicissitudes of the seasons and to other natural causes and cannot be the basis for deduction from income long prior to the date of maturity at which any realization could be had. In the matter of the 1649 acres of matured cane the court says that there is a slight difference; the loss on these fields represents income that otherwise might, sooner or later, be received but is not the actual loss contemplated under the present income tax law. Lansing and Brown sign the decision, Galt dissenting.

H. Hackfeld & Co. appealed for a deduction of \$150,000 for cash advanced and never recovered; this amount was claimed to be a bad debt, the firm not having been able to collect from the Hawaii Mill Co. The testimony showed that the \$150,000 had not been written off for the purpose of avoiding taxation; it cannot be recovered. The court holds that this sum is properly deductible. Galt and Brown sign the decision, Lansing dissenting.

ATTACHE HERE FROM THE SEAT OF WAR

Captain Morrison, U. S. A., a passenger aboard the Siberia, is just from the seat of war where he had been sent as military attaché for the United States army. Capt. Morrison was attached to Kuroki's army and saw all the fighting including Liaoyang. From November 1 to 8 he was before Port Arthur observing operations from the Japanese side.

Owing to his military position, Capt. Morrison is unable to say what he saw there, except that the defenses of Port Arthur seem strong. The Japanese on the other hand have trained heavy siege guns on the lines of forts surrounding Port Arthur. Capt. Morrison saw no assaults on the fortress.

Capt. Morrison goes to Washington to make a report.

OAT ENDORSED BY ROBERTSON

J. M. Oat, the present postmaster, has been endorsed for reappointment by A. G. M. Robertson, National Committeeman of the Republican party of Hawaii, and chairman of the Territorial Central Committee. His endorsement was called last Saturday to President Roosevelt and Postmaster-General Wynne.

Doll Sale Friday.
The Gleaners' Doll sale which will be held on the grounds of Central Union church Friday will begin promptly at three in the afternoon and continue until nine. Those who have seen the dolls say that the display will be worth going far to see.

HOW NEXT LEGISLATURE WILL BE CONSTITUTED

Full Roster of the Two Houses With Some of the Latest Gossip as to Their Probable Organization.

It is a long time yet to the meeting of the legislature, but the politicians are beginning to look to their fences, and to make some expert calculations as to the organization of the two Houses.

The legislature will meet on the 15th day of February, 1905. It is so overwhelmingly Republican in both branches that there is, of course, not the remotest danger of a repetition of the kind of fluke that gave the organization of the House to the Home Rulers two years ago, although the Republicans were in the majority and had prepared a caucus slate before the legislature met.

There is, in fact, but one man in each body who is not Republican. Senator Palmer P. Woods, and Representative H. M. Kaniho, both from the Kohala district of Hawaii, will have the opposition benches to themselves, and will probably have too much to do in looking out for their committee appointments to have time for anything in the nature of a coup d'etat.

The Republicans, in fact, have something of an embarrassment of riches in the way of membership, which embarrassment is like to lead to an overplus of candidates for whatever in the way of offices of honor or profit either house may have to give out. Because of this, there is very likely to be an organization of compromises at the last—but before that comes there will be a development of strength in the candidates for various offices, and the friends of many leaders are already beginning to figure upon their claims at the hands of the party.

The presidency of the Senate is, naturally, the first distinction spoken of, and the talk so far has seemed to center around Paul Isenberg of Oahu and J. D. Paris of Hawaii. Both have had experience as presiding officers, and either would acquit himself well in the place. Of the two, perhaps the name of Mr. Isenberg has been most heard up to this time. For clerk of the Senate William Savidge seems to be the first choice of the wise guys, although a story comes down from Maui to the effect that S. Keliinoi, who gained some prominence in the House at the last session, thinks he has some claims and will make a determined effort to advance them. This story, however, lacks confirmation.

W. W. Harris, who was chairman of the Finance Committee and Republican leader on the floor in the last House, has been re-elected to the present body, and his friends are inclined to think that he has earned and deserves the Speakership. Mr. Harris is a man of eminently fair mind, and an experienced parliamentarian, and he made a strong uphill fight for good legislation against an opposition that was at times utterly senseless in the last House. There can be no question that he would make a good presiding officer, nor that he would give the opposition all that was coming to it. Eric Knudsen of Kauai, also re-elected, is likewise mentioned for the Speakership. Mr. Knudsen was the vice-speaker of the last House, his appointment being a sop to the badly out-generalized Republicans, but Speaker Beckley gave him little chance to show what he could do in the chair. However, he will have the backing of the delegation from the Garden Isle, if he wants it. H. L. Holstein of Hawaii is the third Speakership possibility spoken of. He is said to be a man eminently fitted for the place, but nobody in Honolulu seems to know what strength he would develop on a show-down.

For clerk of the House, there is a strong party favorable to George Thielen, who was stenographer last time, but it is a question whether Mr. Thielen himself wants the place. Nobody has heard from him. Another name mentioned in this connection is that of J. D. Avery.

The roll of membership of the two houses has been made up, and is as follows, the members all being Republicans, save where otherwise indicated:

SENATORS.			
Names.	District	Island	P. O. Address
Achl, W. C.	3rd	Oahu	Honolulu
Bishop, E. F.	3rd	Oahu	Honolulu
Brown, J. T.	1st	Hawaii	Hilo
Dickey, C. H.	2nd	Maui	Makawao
Dowsett, J. M.	3rd	Oahu	Honolulu
Gandall, J. K.	4th	Kauai	Lihue
Hayesden, A. N.	2nd	Maui	Lahaina
Hewitt, G. C.	1st	Hawaii	Waiohinu, Kau
Isenberg, D. Paul R.	3rd	Oahu	Honolulu
Kalama, S. E.	2nd	Maui	Makawao
Lane, John C.	3rd	Oahu	Honolulu
McCandless, L. L.	3rd	Oahu	Honolulu
Paris, J. D.	1st	Hawaii	Kealahoukua
Wilcox, S. W.	4th	Kauai	Lihue
Woods, Palmer P. (Democrat)	1st	Hawaii	Kohala
REPRESENTATIVES.			
Names	District	Island	P. O. Address
Andrade, Frank	4th	Oahu	Honolulu
Aylett, William	4th	Oahu	Honolulu
Broad, Chas.	5th	Oahu	Honolulu
Coebo, W. J.	3rd	Maui	Waikuku
Copp, George	3rd	Maui	Waikuku
Cox, Oscar Pihaiu	5th	Oahu	Waialua
Fernandez, Antonio	1st	Hawaii	Hamakua
Greenwell, F. R.	2nd	Hawaii	Kealahoukua
Hala, W. W.	3rd	Maui	Hana
Holstein, H. L.	4th	Oahu	Honolulu
Kalewala, Thos. H.	5th	Oahu	Aiea
Kalewala, A.	5th	Oahu	Honolulu
Kaniho, J. M. (Home Rule)	3rd	Maui	Pala
Karino, H. M. (Home Rule)	2nd	Hawaii	Kohala
Lewis, J. D.	1st	Hawaii	Hilo
Lilikalani, E. K.	4th	Oahu	Kakaako
Long, Carlos A.	4th	Oahu	Honolulu
Knudsen, E. A.	6th	Kauai	Kekaha
Mahelona, Solomon	5th	Oahu	Honolulu
Mahikoa, G. W.	6th	Kauai	Lihue
Nakulua, M.	3rd	Maui	Kilauea
Pall, Philip	3rd	Maui	Halawa
Pulaa, C. H.	3rd	Maui	Lahaina
Quinn, E. W.	2nd	Hawaii	Kohala
Rice, A. H.	4th	Oahu	Honolulu
Sheldon, W. J.	6th	Kauai	Lihue
Shipman, W. H.	6th	Kauai	Waimea
Smith, Carl S.	1st	Hawaii	Hilo
Waterhouse, F. T. P.	5th	Oahu	Honolulu

A PROMINENT PUBLISHER ENDORSES CHAMBERLAIN'S COUGH REMEDY.

Mr. Leon C. Streeter, proprietor of the Worcester, Cape Colony, Standard, says: "For the past seven years, or since we have been in South Africa, Chamberlain's Cough Remedy has always been kept in our household. My wife has found it to be invaluable with the children and croupy symptoms have disappeared with astonishing rapidity under its influence." For sale by All Dealers and Druggists. Benson Smith & Co., Ltd., Agents for Hawaii.

Litigation Ended.

Yesterday the long-standing dispute between the Hawaiian Commercial & Sugar Co. and the Waialua Sugar Co. was settled. The dispute was over water rights and was compromised by an agreement whereby the Waialua company get sufficient water for their needs and the other company receive certain lands which they have desired for some time.

School Inspector Davis has returned from an official visit to Maui.

STEAL WATER TO IRRIGATE

Three Million Gallons Taken From Pipes Every Night.

Three millions of gallons of water are being stolen by somebody in Honolulu from the government pipes every night between the hours of ten p.m. and four a.m., or else there is a leakage in the pipes that foots up that enormous amount.

"Now, we are pretty certain that there is no such leakage as that comes to," said Commissioner of Public Works Holloway yesterday. "Consequently, there must be wholesale appropriation going on. I suppose for the irrigation of taro patches and truck gardens in the neighborhood of Honolulu."

"It has been evident for a long time that there has been a large illicit consumption of water. The consumption of the city daily foots up about 8,000,000 of gallons. That is the legitimate consumption. We have been anxious for some time to get on the track of the parties who were using water without permission at night, and so about three weeks ago we shut off all the pumps but one at ten o'clock, and noted the amount of water lifted by that pump. The pump carried three millions of gallons approximately, and all that water was used up during the night."

"Now, of course there can be no such leakage as that. I can only give you the figures approximately, because the whole matter is in the hands of Mr. Walker, who is preparing a report to this department, and he has gone up to the coast. He will submit his report when he comes back, and then he will consider what steps can be taken to stop this night use of water."

ROYAL SCHOOL OCCUPIED

The new Royal School building was occupied for the first time yesterday, 150 children being removed into the twenty rooms of the place from the old Royal, Punchbowl, Pauoa and Beretania schools. This is just the overflow from these various school houses, all of which are still filled with scholars.

The removal of the children was under the direction of the school agent, Miss Davison, and Inspector, J. C. Davis, and Superintendent Atkinson was present also.

100,000 MEN FELL TO PORT ARTHUR

Reginald Glossop, a British war correspondent returning from the seat of war on the Siberia, believes that several months will elapse before Port Arthur falls. He has been connected with the army of Gen. Nogai, operating against Port Arthur. He reports that the Japanese have had terrible losses before the fortress. Both sides are fighting savagely and he believes that when Port Arthur is taken every Russian defender will be a dead man. Glossop estimates that 100,000 Japanese have lost their lives there.

INCREASED FORCE NEEDED

Secretary Morton will at its coming session ask Congress to pass an act increasing the commissioned and enlisted force of the navy. This increase in the naval force is regarded as essential by the department, as it is shown by estimates recently prepared that when all the ships now building for the Navy Department are commissioned it will take about 2087 officers and 62,368 enlisted men to man them, more than double the number now authorized by law.

Owing to the lack of officers and enlisted men in the navy to meet the actual needs of the service it has been found necessary for the Navy Department to order at least three warships out of commission in order to man warships which have just been completed and now waiting commission. The three vessels to be put out of commission will be selected from five which are deemed the least necessary for further active service at this time. The tentative list consists of the cruisers Atlanta, Castine and Marietta of the south Atlantic squadron and the gunboats Newport and Bancroft of the Caribbean squadron.

The vacancies on the stations made by the detachment of three of the five vessels named will be filled by the assignment of newer vessels about to be commissioned. The subject is now under consideration at the Navy Department and it is expected that the result will be announced in a few days.

Ceremonial Tea Drinking.

At the "Bushido" lecture this evening in the M. E. Parsonage, the "Cha-uo-Yu" ceremony will be conducted by Madame Saito, wife of the Japanese Consul General, assisted by Mesdames Kishi, Mori and Ishikawa. Mrs. Soga and Mrs. Yokota will perform on the "Koto" and "Samisen" and Mr. Matsuda on the "Shakuhachi." Tickets (50 cents) may be had at the door. See advertisement.

There will be a sociable in the parlors of Central Union church this evening. All are cordially invited.

DEATH OF KEKELA

Missionary Who Was Thanked By Lincoln.

Rev. James H. Kekela died yesterday morning at his home on School street after a very short illness. He was in his eighty-third year. The funeral services were held at 4:30 in the afternoon at Kawaiahao church.

James Kekela's religious training began in a little Sunday School taught by the father of Rev. Mr. Parker over on the other side of Nuuanu Pali. From his earliest years it was his great ambition to carry the tidings of the gospel to the natives who inhabited the other islands of the Pacific. For a number of years he prepared himself for the work by study and labor among his own people. His first ministerial service was as pastor of the Kahuku church and while acting in that capacity he was married to a Maui girl who graduated from the Waialua Seminary. After a few years of service as a pastor Mr. Kekela was able to realize his life ambition and sailed for the Marquesas Islands accompanied by his devoted wife.

Previous to the missionary's departure for the South Seas numerous attempts had been made to found a mission on the Marquesas Islands but the wild cannibals had resisted all attempts to civilize them but when the old chief was nearing the end of his days he sent to Hawaii for some one to tell him the story of the Saviour of which he had heard stories. He welcomed Mr. Kekela but many of the people did not and it was over almost insurmountable difficulties that the mission was finally established. At one time the entire membership of the church aside from the preacher and his wife were killed and eaten by an opposing faction of the natives.

During the year 1863 a pirate ship called at the islands and carried off a number of the natives including the son of the chief, taking them to Peru to be sold as slaves. This so angered the chief that he vowed that he would kill and eat the first white man who set foot on the islands. About a year afterwards, in the early part of 1864, an American ship appeared in the offing and, all unconscious of danger, sent several boat loads of men ashore. As soon as they landed on the beach the natives attacked them from ambush and in the retreat one, the mate was left behind. He was immediately dragged to the hut of the chief, which was located near the water's edge, and preparations were made for a grand luau.

The unfortunate captive was bound to a tree and made to suffer the most excruciating torture while the natives prepared the fire on which he was to be roasted in the morning. This process was carried on before his own eyes and in sight of his companions who were helpless on the ship. Meanwhile the missionary had learned of the affair and came to beg for the life of the man. The chief was obdurate, however. The white man had killed his people and he must have his vengeance. Finally after a night of parley the chief agreed that if Mr. Kekela would give him his new six-oared whaleboat he would let the captive go. This decision was received with great dissatisfaction on the part of the other natives who saw themselves deprived of a feast but the cupidity of their ruler held Kekela to his bargain and the boat was exchanged for the man. Mr. Kekela rowed the dazed man out to the ship and when the sailors tried to make him accompany them he steadfastly refused and went back to the work that he loved.

Before the year was over another American ship appeared in the offing and when Mr. Kekela went out to her he was presented with a gold watch and chain, a new boat and numerous other articles, aggregating in value some \$500. These were the gifts of President Lincoln to the man who had saved the life of an American citizen. The watch and chain were greatly prized by Mr. Kekela as mementos of the martyred President and were always worn by him until the time of his death. The letter from the President thanking him for his act and extending an invitation to visit the States was also a souvenir highly prized.

For fifty years Mr. Kekela labored among the Marquesas and then came to Honolulu to spend his declining years. For much of the time he has been ill but his last few years were a period of great activity for one of his age. He left two sons who are working among the Marquesas and four daughters who reside in Honolulu.

It is interesting to learn that the cannibal chief who ordered the death of the American sailor was himself shot in a battle with some rebellious subjects and met the same horrible fate that he had designed for his white victim.

MAKES UP HIS MIND TODAY

Fred J. Church will make up his mind this evening as to whether or not he will accept the management of the Royal Hawaiian Hotel. If he takes hold it will be about December 15. Col. Macfarlane, the former manager, accompanied by Mrs. Macfarlane, departed for San Francisco yesterday on the Siberia. The Colonel will probably return on the same vessel.